

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE TRANSPACIFIC PASSENGER
AIR TRANSPORTATION
ANTITRUST LITIGATION**

Civil Case No. 3:07-cv-05634-CRB

MDL No. 1913

This Document Relates To:

ALL ACTIONS

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR SECONDARY
DISTRIBUTION OF REMAINING
SETTLEMENT FUNDS AND REQUEST
FOR ATTORNEYS' FEES AND
REIMBURSEMENT OF EXPENSES**

1 The Court, having reviewed Plaintiffs' Notice of Motion and Motion for Secondary
2 Distribution of Remaining Settlement Funds and Request for Attorneys' Fees and Reimbursement
3 of Expenses as well as the Court's files and records in this matter, hereby finds that the relief
4 requested is appropriate.

5 Accordingly, it is hereby ORDERED and DECREED that:

6 1. The Court authorizes reimbursement of additional claims administration expenses
7 totaling \$125,921.00 in connection with Rust's anticipated work through the secondary
8 distribution and a *cy pres* distribution, if necessary, at the end of the litigation.

9 2. The Court authorizes reimbursement of incurred litigation expenses totaling
10 \$4,876.85 in connection with Class Counsel's settlement administration work from August 1,
11 2019 through July 31, 2022.

12 3. The Court awards attorneys' fees totaling \$1 million in connection with Class
13 Counsel's settlement administration work from August 1, 2019 through the secondary distribution
14 and a *cy pres* distribution, if necessary, at the end of the litigation.

15 4. The Court directs Plaintiffs to pay the awarded fees and expenses from the
16 remaining settlement funds of \$5,448,087.41.

17 5. The Court authorizes a secondary distribution of the remaining settlement funds
18 of \$5,448,087.41 less the holdback of \$46,878.87 for Mr. Michael Chekian, less the additional
19 claims administration expenses of \$125,921.00 for Rust and reimbursement of litigation expenses
20 of \$4,876.85 for Class Counsel authorized by the Court above, and less the attorneys' fees of \$1
21 million for Class Counsel awarded by the Court above.

22 6. Class Counsel will provide an update to the Court regarding the final determination
23 on Mr. Chekian's claims after September 30, 2022.

24 7. If there are any further remaining settlement funds after the secondary distribution,
25 assuming such funds will be economically infeasible to distribute, Plaintiffs shall propose an
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1 appropriate *cy pres* recipient with approval from the Court after the check void date for this
2 secondary distribution and final resolution of Mr. Chekian's claims.

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4 **IT IS SO ORDERED.**

5 Dated: _____

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7 HON. CHARLES R. BREYER
8 UNITED STATES DISTRICT JUDGE
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